

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Dop 2003/07 PCT		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/006840	International filing date (day/month/year) 24.06.2004	Priority date (day/month/year) 25.06.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant DOPPSTADT, Johann			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>8</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>5</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-11 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* 1-25 received by this Authority on 23.05.2005 with letter of 20.05.2005
 - nos.* _____ received by this Authority on _____
 - ☒ the drawings:
 - sheets 1/4-4/4 _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application☒ claims Nos. 15-24, 25* (*in combination with claims 15-24)

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.☒ no international search report has been established for said claims Nos. 15-24, 25* (*in combination with claims 15-25)☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished☐ does not comply with the standard

the computer readable form

☐ has not been furnished☐ does not comply with the standard☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.☐ See Supplemental Box for further details.

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>2-8, 14</u>	YES
	Claims	<u>1, 9-13, 25</u>	NO
Inventive step (IS)	Claims	<u></u>	YES
	Claims	<u>1-14, 25</u>	NO
Industrial applicability (IA)	Claims	<u>1-14, 25</u>	YES
	Claims	<u></u>	NO

2. Citations and explanations (Rule 70.7)

INDEPENDENT CLAIM 1

The present application fails to meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).

D1 discloses (the references in parentheses are to D1):

a screening unit consisting of at least one rotating screen drum (13), at least one drive for the screen drum, a feeding hopper (35), at least one disk screen and at least one collecting and evacuating device (51) for collecting and evacuating the screened material.

In D1, the disk screen is also provided on the screening unit (the unit in D1 is the combination of at least one screen drum and one disk screen) and screens particles of a defined granular size, in particular, large-sized particles (page 4, paragraph 0056, lines 1-5, claims 7 and 9).

All the features of claim 1 are therefore known from D1.

INDEPENDENT CLAIM 25:

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

The system having at least one screening unit according to claims 1 to 14 is therefore also not novel (PCT Article 33(2)).

DEPENDENT CLAIMS 2 TO 14

Claims 2 to 14 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step.

In D1, a vibrating screen can be used instead of a disk screen (see column 2, end of paragraph 0038). This substitution corresponds to an alternative of claim 13.

D1 also describes conveyor devices that correspond substantially to the features of claims 9 to 12.

The arrangement of a disk screen which can be folded away and which is adapted to the dimensions of the feeding hopper is already known from JP-06173294 (D3). This feature corresponds substantially to the features of claims 2, 3, 6 and 14.

The features of the remaining dependent claims such as a common drive for the drum and the disk screen are obvious structural features which lie within the scope of routine trade practice of a person skilled in the art.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1 or indicate the relevant prior art disclosed therein.

Independent claim 1 is not in the correct two-part form as defined by PCT Rule 6.3(b). The features known in combination from the prior art (D1) should be placed in the preamble (PCT Rule 6.3(b)(i)) and the remaining features should be specified in the characterizing part (PCT Rule 6.3(b)(ii)).

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The disk screen is defined in claim 1 in such a way that it is provided on the screening unit. This feature is interpreted such that the disk screen is provided "on" the screening unit (regarded as a unit consisting of the screen drum and the disk screen), but "upstream of" (in the direction of transport of the material) the screen drum. The disk screen must be provided "upstream of" the screen drum because the screened material has to be transported through an open end of the drum. Furthermore, the application does not include an embodiment in which the disk screen is provided "on" (above) the drum. The figures and the description of the application clearly show that the disk screen is also "upstream of" (in the direction of transport) the screen drum.

With regard to claim 13, there are two separate embodiments for the screening unit:

- a) screening unit having a disk screen;
- b) screening unit having a vibrating screen instead of a disk screen.

An objection with regard to a lack of unity of invention could be raised because the disk screen and the vibrating screen are different special technical features.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box III.

No search has been carried out with regard to the structural features of the disk screen.